

REMARKS

In order to expedite the prosecution of the present application and respond to the Examiner's rejection under 35 USC 112, the subject matter of Claim 3 has been incorporated into Claim 1. Accordingly, Claim 3 has been canceled and Claim 4 amended to depend on Claim 1. No new matter has been added.

The specification has been amended in order to correct grammatical and idiomatic errors contained therein. No new matter has been added.

Claims 1-4, 6, 12 and 13 have been rejected under 35 USC 103(a) as being unpatentable over Acemoglu et al in view of Okamoto et al. Applicants respectfully traverse this rejection and urge reconsideration in light of the following comments.

As discussed in the present specification, the present invention is directed to a separating agent for enantiomeric isomers which is especially suitable for use in chromatography. That is, the present invention provides a separating agent for enantiomeric isomers which is especially suitable for a chiral stationary phase used in chromatography and contains a polysaccharide derivative having a large  $\alpha$  value and exhibits a high asymmetry identifying power. To achieve this purpose, the present inventors have discovered that a polysaccharide derivative having an unexpectedly large  $\alpha$  value can be obtained by introducing a carbonyl group between the carbamate and phenol groups of a polysaccharide derivative. It is respectfully submitted that the presently claimed invention is patentably distinguishable over the prior art cited by the Examiner.

The Acemoglu et al reference discloses the synthesis of regioselectively substituted cellulose derivatives which can be used in chiral chromatography. In particular, this reference discloses that out of a series of carbamates, cellulose tris(3,5-dimethylphenylcarbamate) exhibits the

highest and broadest resolving power. However, as admitted by the Examiner, this reference does not disclose a separating agent wherein at least a part of the hydrogen atoms of a hydroxyl group of a polysaccharide is substituted by an atomic group represented by general formula (I). Therefore, the secondary reference cited by the Examiner must provide the motivation to one of ordinary skill in the art to modify the Acemoglu et al reference in a manner that would yield the presently claimed invention. It is respectfully submitted that the secondary reference contains no such disclosure.

The Okamoto et al reference discloses chromatographic optical resolution using 3,5-disubstituted phenylcarbamates of cellulose and amylose. Okamoto et al does not disclose any equivalents between a carbonyl functional group, a carbamate functional group and the atomic group represented by general formula (I) of the present invention. There is no motivation contained in either of the references cited by the Examiner to make the modification suggested by him or any suggestion that such a modification would provide an enantiomeric isomer separating agent which is still functional. Applicants respectfully submit that the Examiner is selecting bits and pieces out of the individual references and combining them in light of hindsight provided by Applicants' disclosure while disregarding the teachings of the references as a whole. As such, the Examiner has not even made a showing of prima facie obviousness under 35 USC 103(a) of the presently claimed invention and, as such, it is respectfully submitted that the presently claimed invention clearly is patentably distinguishable over the prior art cited by the Examiner.

Even though the Examiner has not made a showing of prima facie obviousness under 35 USC 103(a), objective evidence of the patentability of the presently claimed invention is provided in the present specification. Table 1 on page 15 of the present specification discloses the preparation of separating agents according to the present invention and Table 2 presents the results of the separation of tin

compounds by using the separating agents of the present invention and liquid chromatography. As shown by the results contained in Table 2, the separating agent of the present invention showed an unexpectedly high efficacy in the separation of the target compounds. This is clearly unexpected in light of the prior art cited by the Examiner and further establishes the patentability of the presently claimed invention thereover.

The Examiner is respectfully requested to reconsider the present application and to pass it to issue.

Respectfully submitted,

  
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